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Erkki Reuhkala

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP

BRADFORD GREEN, BUILDING 5

755 MAIN STREET, P O BOX 224

MONROE, CT 06468

EXAMINER

TORRES, MARCOS L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/534,083

**Applicant(s)**

REUHKALA ET AL.

**Examiner**

MARCOS L. TORRES

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The amendment changes from just "providing" and it requires the terminal to receive the information now.
2. Clarification regarding dates of Patents: as acknowledge by the applicant the Moon reference 7295844 is a continuation of patent 6961573, since it is a continuation they share the same specification and both references share the same effective filing date of December 22, 2000. Thereby, either reference is valid.
3. Applicant asserts that: "The Examiner has continued to suggest that both Denisson and Silver disclose the feature of providing a terminal with location dependent routing information stored in the data storage. This is incorrect." And the next sentence reads: "Denisson and Silver actually disclose providing a terminal with routing information based on location dependent routing information stored in the data storage." The later acknowledgement reads on the above limitations.
4. Regarding applicant's arguments directed to the Moon reference that there is no disclosure of determining route based on the location of the mobile terminal; Denisson discloses determining route based on the location of the mobile terminal to the final destination (see col. 11, line 49 – col. 12, line 39) and Moon discloses to take in account the path length (see col. 9, lines 13-30). Therefore, the combination of both references does teach different route based on the location of the mobile terminal.

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5. The rest of the arguments they fall for the same reasons as shown above.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner was unable to find support for the limitation "memory having a program".

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 4-9, 17-18, 21, 23-24 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Davenport 2002/0082044.

As to claim 1, Davenport discloses a method comprising: a terminal [12] receiving location dependent routing information stored in a data storage [24, 29] from said data storage (see par. 0011, 0013); said location dependent routing information received by the terminal including information regarding different routes [networks] for a connection according to location of the terminal (see par. 0017); and the terminal establishing a connection between the terminal and at least one other terminal [27] using location dependent routing information provided by the data storage (see par. 0017), wherein at least one of the terminals is a mobile terminal [12] and information for routing the connection between the terminals is selected based on the location of the at least one mobile terminal (see par. 0006, 0007, 0017).

As to claim 2, Davenport discloses a method wherein said establishing the connection comprises initiating the connection establishment by the at least one mobile terminal (see par. 0017).

As to claim 4, Davenport discloses the method comprising receiving at least two sets of location dependent routing information in the mobile terminal and selecting information from one of the sets of routing information based on the location of the mobile terminal (the set number will depend on the available network [note that fig. 1 have two networks, thereby having two different routing information] see par. 0011, 0013, 0017).

As to claim 5, Davenport discloses a method wherein the at least two sets of location dependent routing information comprise sets of routing information for use in the home network and in at least one visited network (see par. 0002, 0003).

As to claim 6, Davenport discloses a method comprising the further receiving by the mobile terminal in a roaming situation the set of routing information relating to the visited network in which the mobile station is roaming (note that the information used to select and connect to the network is being equated to the routing information; see par. 0002, 0003, 0007, 0011, 0017).

As to claim 7, Davenport discloses a method wherein a cost of the connection is optimized based on the location dependent routing information (see par. 0017).

As to claim 8, Davenport discloses a method comprising the further updating the location dependent routing information in response to an event (see par. 0018).

As to claim 9, Davenport discloses a method wherein updating is triggered by predetermined change in location of the mobile terminal (see par. 0003).

As to claim 17, Davenport discloses a method comprising determining the location of the mobile terminal based on an indicator received from a communication network serving the mobile terminal (see col. 9, lines 55-65).

As to claim 18, Davenport discloses a method determining the location of the mobile terminal based on information regarding the geographical location of the mobile terminal (see par. 0015).

As to claim 21, Davenport discloses a method wherein a calling terminal automatically uses location dependent routing information for establishing connections (see par. 0019).

Regarding claim 23 is rejected for the same reasons as shown above in claim 1.

As to claim 24, Davenport discloses a terminal apparatus [12] comprising a processor [14] configured to: receive location dependent routing information sent from reha data storage [24, 29] to the terminal apparatus (see par. 0011, 0013), said location dependent routing information being provided to the terminal apparatus including information regarding different routes [networks] for a connection according to location of the terminal apparatus (see par. 0017); and establish a connection between the terminal apparatus and at least one other terminal apparatus [27] using location dependent routing information provided by the data storage (see par. 0017), wherein at least one of the apparatus is a mobile terminal apparatus and information for routing the connection between the terminal apparatus or the other terminal apparatus is selected by the terminal apparatus based on the location of the at least one mobile terminal apparatus (see par. 0006, 0007, 0017).

As to claim 30, Davenport discloses a method, comprising: receiving location dependent routing information in a mobile terminal via an input device [10] of the terminal for use in establishing a connection over a communication system (see par. 0006, 0007, 0011), said location dependent routing information including information regarding different routes [network] for a connection according to a location of the mobile terminal (see par. 0017), processing in a processor [14] in the mobile terminal information associated with the location of the mobile terminal for selecting routing information from the location dependent routing information for connection establishment based on the location thereof, and said mobile terminal initiating said

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establishment of said connection to another terminal [27] based on the selected routing information (see par. 0013, 0017).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to



consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denisson in view of Moon 7295844.

As to claim 25, Denisson discloses a mobile terminal (see col. 15, lines 11-19) comprising: input for input of location dependent routing information for use in establishing a connection over the communication system; and connection establishment for initiating establishment of a connection to another terminal based on the location dependent routing information (see col. 11, line 49 - col. 12, line 39). Denisson does not specifically disclose including information regarding different routes for a connection according to the location of the terminal or the selection being done by the terminal. In an analogous art, Moon discloses including information regarding different routes for a connection according to the location of the terminal (see col.8, line 47 – col. 9, line 30) and the selection being done by the terminal (see col. 7, line 47-48). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include the data about the routing to help the mobile station maintain a reliable communication by choosing the best path.

As to claim 27, Denisson discloses the mobile terminal comprising further selecting information from one of the sets of routing information based on the location of the mobile terminal (see col. 11, line 49 - col. 12, line 39). Denisson does not specifically disclose storing at least two sets of location dependent routing information in the mobile terminal. In an analogous art, moon discloses storing at least two sets of

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location dependent routing information in the mobile (see col.8, line 47 - col. 9, line 30; see col. 7, line 47-48). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include the data about the routing to help the mobile station maintain a reliable communication by choosing the best path.

As to claim 28, Denisson discloses a mobile terminal wherein the connection establishment device is configured to automatically use location dependent routing information if available (see col. 12, lines 4-39).

As to claim 29, Denisson discloses a routing server configured to store location dependent routing information, to receive information of the location of a mobile station, to modify the location dependent routing information based on the location of the mobile station and to transmit location dependent routing information to terminals. Dennison does not specifically disclose including information regarding different routes for a connection according to the location of the terminal or the selection being done by the terminal. In an analogous art, Moon discloses including information regarding different routes for a connection according to the location of the terminal (see col.8, line 47 – col. 9, line 30) and the selection being done by the terminal (see col. 7, line 47-48). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include the data about the routing to help the mobile station maintain a reliable communication by choosing the best path.

14. Claims 10-12, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport in view of Denisson.

As to claim 10, Denisson discloses a method wherein said establishing the connection comprising routing the connection via a first communication network serving the calling terminal, a second communication network serving the called terminal and a third communication network, which is not disclosed by Davenport (see col. 12, lines 6-39; col. 15, lines 3-19; col. 16, lines 12-44). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to route the call thru different networks for the simple purpose to permit the call reach its destination.

As to claim 11, Denisson discloses a method wherein said routing comprises routing the connection via an access point entity interfacing the third communication network with at least one of the first and second communication networks, which is not disclosed by Davenport (see col. 12, lines 6-39; col. 15, lines 3-19; col. 16, lines 12-44). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to route the call thru different networks for the simple purpose to permit the call reach its destination.

As to claim 12, Davenport discloses a method further comprising selecting the access point entity based on the location of the mobile station (see par. 0017).

As to claim 15, Davenport discloses providing a terminal with location dependent routing information comprising said transmitting the location dependent routing information to the terminal (see par. 0017, 0006, 0007). Denisson discloses a method wherein the data storage is provided in a routing server, said, which is not disclosed by Davenport (see col. 9, lines 40-55).

As to claim 19, Davenport discloses location dependent routing information based on location dependent routing information stored in the data storage and a master set of routing information (see par. 0013). Davenport does not disclose a method further comprising computing at least one additional set of location dependent routing information. Denisson discloses a method further comprising computing at least one additional set of location dependent routing information. (see col. 12, lines 4-39; col. 13, lines 30-53). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to route the call thru different networks for the simple purpose to permit the call reach its destination.

15. Claims 3, 10, 13-14, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport in view of Silver US007162237B1.

As to claim 3, Davenport discloses everything as explained above except for method wherein said establishing the connection comprises initiating the connection establishment by a terminal other than the at least one mobile terminal. In an analogous art, Silver discloses a method wherein said establishing the connection comprises initiating the connection establishment by a terminal other than the at least one mobile terminal (see col. 8, lines 8-35). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teaching to permit the terminal to receive calls.

As to claim 10, Silver discloses a method wherein said establishing the connection comprising routing the connection via a first communication network serving the calling terminal, a second communication network serving the called terminal and a

third communication network, which is not disclosed by Davenport (see fig. 3, items 308, 102, 320). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to route the call thru different networks for the simple purpose to permit the call reach its destination.

As to claim 13, Silver discloses a method wherein the third communication network comprises a packet switched data network, which is not disclosed by Davenport (see col.2, lines 53-67). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use these teachings in any common wireless network.

As to claim 14, Silver discloses a method comprising wherein communication of data over said data network is based on the Internet Protocol, which is not disclosed by Davenport (see col.2, lines 53-67). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use these teachings in any common wireless network.

As to claim 20, Silver discloses a method further comprising the steps of inputting in the terminal a telephone number of the other terminal, and routing the connection between the terminals based on the location dependent routing information, which is not disclosed by Davenport (see col. 8, line 22 – col. 9, line 13). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teaching to permit the terminal to send and receive calls.

As to claim 22, Silver discloses a method wherein one of the terminals is a computer, said establishing a connection comprising establishing a data connection

between the at least one mobile terminal and the computer (see col. 6, lines 33-37).

Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use these teachings in any common communication terminal such a computer.

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport in view of Denisson and further in view of Silver.

As to claim 16, the prior references disclose everything as explained above (see claim 15) except for the method further comprising initiating a procedure for connection establishment by sending a voice command from the terminal to the routing server. In an analogous art, Silver discloses the method further comprising initiating a procedure for connection establishment by sending a voice command from the terminal to the routing server (see col. 8, lines 20-37). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use voice recognition to facilitate user input for the activation of the features.

17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport in view of Dougherty US006831902B1.

As to claim 31, Davenport discloses a method, comprising: storing location dependent routing information in a database (see par. 0013), and transmitting from the routing server to the mobile terminal the location dependent routing information including information regarding different routes for a connection selected by the mobile terminal according to the location of the mobile terminal (see par. 0006,0007, 0017). Davenport does not specifically disclose receiving at the routing server information on a

location of a mobile terminal, modifying at the routing server the location dependent routing information based on the received information on the location of the mobile terminal. In an analogous art Dougherty disclose receiving at the routing server information on a location of a mobile terminal, modifying at the routing server the location dependent routing information based on the received information on the location of the mobile terminal (see col. 1, line 63-65). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to track the location of the mobile device for the simple purpose to route incoming calls to the mobile device and permit to receive calls.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/  
Examiner, Art Unit 2617